

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: "Commissioner for Patents," Washington, D.C. 20231 on

7/25/01  
Date

July 25, 2001  
Markay B. McKeon  
Signature



Agilent No. 10980096-1  
R&A No. 5000-0051

D. Lawrence  
#18  
8/2/01

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Patrick KALTENBACH et al.

Group Art Unit: 1743

Serial No.: 09/156,804

Examiner: P. Kathryn Bex

(Continued Prosecution Application)

Filing Date: September 17, 1998

Title: MODULAR APPARATUS FOR CHEMICAL  
MICROANALYSIS

TC 1700 MAIL ROOM

AUG - 1 2001

RECEIVED

### DECLARATION UNDER 37 C.F.R. § 1.131

Commissioner for Patents  
Washington, D.C. 20231

Sir:

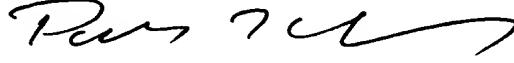
We, Patrick Kaltenbach and Tom Van de Goor, hereby declare as follows:

1. We are joint inventors of the subject matter described and claimed in the above-identified patent application.
2. Prior to September 15, 1998, we conceived of and reduced to practice the invention as set forth in the claims of the subject patent application, as originally submitted and as amended in the accompanying response filed concurrently herewith. That is, we conceived of and reduced to practice: a modular microchannel apparatus for the chemical analysis of an analyte in a sample as recited in claims 1-8, 10-12 and 26; a kit for making a modular microchannel apparatus for the chemical analysis of an analyte in a sample as recited in claim 25; and a modular microdevice of analyte analysis as recited in claims 28-30.

3. Evidence that we reduced the invention to practice is provided in accompanying Appendix (I), which includes pages 60-79 from Dr. Van de Goor's notebook 2559. All dates deleted from the pages in Appendix (I) are prior to September 15, 1998. Page 69 is noteworthy since it contains a schematic illustration of the claimed device. In addition, on page 72, a handwritten entry provides evidence that a chip in a cassette was tested. Experimental data in the form of current electropherograms are provided on pages 73 and 74. E-mail communications relating to temperature control are provided on pages 75 and 76. Further experimental data in the form of additional current electropherograms are provided on pages 77-79. Thus, we the invention was reduced to practice before September 15, 1998, i.e., prior to the filing date of U.S. Patent No. 6,103,199 to Bjornson et al.

We hereby declare that all statements made herein of our knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 23 July 2001

  
\_\_\_\_\_  
Patrick KALTENBACH

Date: \_\_\_\_\_

\_\_\_\_\_  
Tom VAN DE GOOR



Agilent No. 10980096-1  
R&A No. 5000-0051  
U.S. Ser. No. 09/156,804

## APPENDIX I

Pages 60–79 from Dr. Van de Goor's Notebook No. 2559.